

## REMARKS

### I. Status of Claims

Claims 19, 22-33 and 35-44 were pending.

Claims 19, 22-32 and 37-44 are allowed.

Claim 36 was rejected under 35 U.S.C. 101(a) because the claimed invention was directed to non-statutory subject-matter.

Claims 33 and 35 were rejected under 35 U.S.C. 102(e) as being anticipated by Chang (US 7,359,345).

Accordingly, claims 33 and 35-36 are now pending. In response, Applicants hereby request reconsideration of the application in view of the remarks provided below.

Claim 33 has been amended. Claim 36 has been cancelled. No new matter has been added.

### II. Rejections under 35 U.S.C. § 101

#### *Independent Claim 36*

The examiner rejected Claim 36 because the claimed invention is directed to non-statutory subject-matter.

Claim 36 has been cancelled.

### III. Rejections under 35 U.S.C. § 102

*Claims 33 and 35 were rejected under 35 U.S.C. 102(e) as being anticipated by Chang (US 7,359,345).*

Claim 33 has been amended as follows to overcome the rejection under 35 U.S.C. 102(e).

“33. A communication system, comprising:  
at least one base station (BS), which is controlled by a higher-order radio network control entity (RNC); and  
a radio cell (CE) served by the base station (BS) in which there exists a communications connection between the base station (BS) and at least one user terminal equipment (UE) over an air interface (Uu) with a UMTS protocol structure,  
wherein the communication system is configured to perform inband signaling, wherein the inband signaling of information relevant to the base station is performed at the MAC layer level, and wherein for the inband signaling between the at least one user terminal equipment and the respective base station, a signaling transport block is introduced at the MAC layer level, wherein the at least one signaling transport block is multiplexed within the transport blocks of a transport channel that are to be transmitted and the at least one signaling transport block comprises Buffer Status Report information based on at least one radio resource control message issued by the base station, the Buffer Status Report information signaling the data volume of the transport channel from the user terminal equipment to the base station,  
wherein a plurality of RRC functionalities are disposed in the form of at least one control and/or data processing means transferred from the radio network control entity RNC to the base station (BS).”

Claim 33 has been amended to include the combination of features of claim 19 which were submitted with the Applicant's submission of October 22, 2010. Claim 19 was deemed allowable in the Office Action dated February 3, 2011.

In view of the parallel recitation of subject-matter in Claim 33 deemed allowable by the Examiner, Applicant requests for the allowance of claim 33 under 35 U.S.C. § 102 in view of the state of allowability of claim 19 over Chang.

Applicant requests the allowance of claim 35 due to its dependence on claim 33.

Applicant submits that Chang cannot support a rejection of claims 33 and 35 under 35 U.S.C. § 102. Accordingly, Applicant requests that its rejection be withdrawn.

#### IV. Conclusion

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application and allowance of the pending claims.

If any extension of time is required to render this response timely, and a petition requesting such extension is not submitted herewith, the Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-4666.

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Respectfully Submitted,



By

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